



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 7] नई दिल्ली, शुक्रवार, मार्च 5, 1982/फाल्गुन 14, 1903
No. 7] NEW DELHI, FRIDAY, MARCH 5, 1982/PHALGUNA 14, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th March, 1982:—

BILL No. 137 OF 1981

A Bill to provide for reservation for the purpose of abolition of social educational and economic backwardness of the citizens belonging to backward classes within the framework of the Constitution.

It enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Social Revolution Act, 1981.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) 'Government' means the Central Government or the State Government, as the case may be;

(b) "backward class" means the backward classes as determined by the second Backward Classes Commission.

3. Fifty-two per cent seats shall be reserved for students of backward classes in all medical, engineering, agricultural and technological colleges and in central schools or Universities.

Reservation in educational Institutions.

Explanation: For the purpose of this section or section 4 of the Act a member of the backward classes will not be counted in reserved quota if he is successful on merit in any competitive test.

Reserva- tion of post in services and relaxation of age limit, etc.	4. There shall be reservation of posts for persons belonging to backward classes in the central services of various kinds including banks, public sector undertakings which shall be as under:		
	Class I	..	33 per cent.
	Class II	..	33 per cent.
	Class III	..	40 per cent.
	Class IV	..	40 per cent.

Explanation: The above formula shall apply in case of promotion also. A relaxation of five years shall be given to the backward class candidates in the prescribed age limit.

Period of reser-
vation. 5. The provision of reservation shall be for a period of fifteen years from the date of commencement of this Act.

Extension
of
reserva-
tion
period. 6. If the Government is satisfied that there is no adequate representation of members of the backward classes in services, the Government may extend this period of reservation by a notification.

Publica-
tion of
the list
of the
back-
ward
classes. 7. The Government shall accept the criterion of backward classes as determined by the second Backward Classes Commission and publish it in the Official Gazette for the purposes of this Act.

Laying
of the
statement
of im-
plemen-
tation. 8. A statement of the follow up action of the provisions of section 4 of this Act shall be laid on the Table of each House of the Parliament every year.

Preferen-
tial
treat-
ment in
case
of
inter-
caste
marri-
age. 9. A male or female who voluntarily goes in for inter-caste marriage shall get benefit under section 4 of this Act.

Repeal of
other laws. 10. Any law, rules or orders relating to public services, in so far as they are inconsistent with the provisions of this Act, shall be deemed to have been repealed.

Prohibition
on indicat-
tion of
caste. 11. Indication of caste with the name of a person or institution shall be prohibited.

STATEMENT OF OBJECTS AND REASONS

The Government of India for the first time appointed a Backward Classes Commission under the Chairmanship of late Acharya Kaka Kalelkar in 1953. Its recommendations of 1955 have not been implemented till now. Hence the social, economic and educational disparities and backwardness still exist in the society.

The Union Government in reply to discussion on the Indian Social Disparities Abolition Bill, 1977 by Shri Roop Nath Singh Yadav on 23 February, 1979 on the floor of the House (Lok Sabha) made a statement that they would take necessary action in this regard on receipt of the second Backward Classes Commission report.

Social disparity, i.e., the social inequality, discrimination and low status arising out of birth based castes in the Indian society should be abolished to make the country strong. It is, therefore, necessary that special opportunities such as reservation of posts in Central Government services, including banks and public undertakings, and seats in educational institutions are provided to people belonging to backward classes as are provided to persons belonging to Scheduled Castes and Scheduled Tribes. The Bill seeks to achieve this objective.

RAGHUNATH SINGH VERMA

NEW DELHI;

September 11, 1981.

BILL NO. 6 OF 1982

A Bill to provide for abolition of caste titles and caste names.

BE it enacted by Parliament in the Thirty-third Year of Republic of India as follows:—

Short
title, ex-
tent and
commen-
cement.

1. (1) This Act may be called the Abolition of Caste Titles and Caste Names Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Prohibition of declaration or indication of caste title or caste name.

2. The declaration or indication of caste title or caste name with his name by any person is hereby prohibited.

Caste title or caste name not to be displayed on letter-head, name-plate or visiting-card.

3. No word signifying his caste title or caste name shall be displayed by a person on his letter-head, name-plate or visiting-card or through any other form of display.

4. No baby born after the commencement of this Act shall be given a name which signifies any caste title or caste name.

Caste
title or
caste
name
not to be
given to
new born
babies.

5. No public institution, including an educational institution, shall require any person to mention his caste in any of the forms maintained by such institution.

Public
institu-
tions not
to require
persons to
state their
caste in
any forms.

6. Any person or institution who acts in contravention of the provisions of this Act shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

Penalty.

STATEMENT OF OBJECTS AND REASONS

India is a secular State in which the aim is to establish a classless and casteless society. But more than thirty years after the attainment of independence by the country, this goal is nowhere nearer realization, and caste, creed and religion continue to have a dominant influence on the political and economic life of the people. Casteism raises its ugly head in various spheres of life and hampers the process of building up a homogeneous society.

For the healthy growth of the nation, caste needs to be abolished. The abolition of caste titles and caste names is one step in this direction. It may be recalled that the late Prime Minister Shri Jawaharlal Nehru set an example in this regard by disapproving of the association of the word "Pandit" with his name and he was called only Shri Jawaharlal Nehru during his Prime Ministership.

Hence this Bill.

NEW DELHI;
December 8, 1981.

RANJIT SINGH.

BILL No. 12 of 1982

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1982.

Short
title.

2. In article 124 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

Amend-
ment of
article
124.

“(2) Every Judge of the Supreme Court, including the Chief Justice of India, shall be appointed by the President by warrant under his hand and seal after consultations with and due consideration of the recommendations made by a Judicial Commission, comprising five permanent members, who shall be distinguished jurists, constituted for selecting persons for appointment as Judges of the Supreme Court and High Courts and a Judge of the Supreme Court so appointed shall hold office until he attains the age of sixty-five years:

Provided that—

(a) a Judge may, by writing under his hand addressed to the President, resign his office;

(b) a Judge may be removed from his office in the manner provided in clause (4).”.

Amend-
ment of
article
217.

3. In article 217 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

Appoint-
ment
and
condi-
tions of
the
office of a
Judge of
a High
Court.

“(1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultations with and due consideration of the recommendations made by the Judicial Commission, constituted under article 124, and shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty-two years:

Provided that—

(a) a Judge may, by writing under his hand addressed to the President, resign his office;

(b) a Judge may be removed from his office by the President in the manner provided in clause (4) of article 124 for the removal of a Judge of the Supreme Court;

(c) the office of a Judge shall be vacated by his being appointed by the President to be a Judge of the Supreme Court or by his being transferred by the President to any other High Court within the territory of India.”.

STATEMENT OF OBJECTS AND REASONS

The historical judgment given by the Supreme Court regarding the appointment and transfer of Judges has necessitated that there should be revision of Judicial set-up in the country. Many of the Judges have expressed their opinion and have also recommended that there should be either a collegium or a Judicial Commission for judicial appointments to the High Courts and the Supreme Court. They have also declared that the present system of appointments to the Supreme Court is unsatisfactory. They have argued that the power of recommending the name of a person for appointment to the Supreme Court had been concentrated in the hands of one single individual, namely, the Chief Justice of India. The Judges in their judgment have stated that even if article 124 of the Constitution was to be observed in making such appointments it would still be left open to the Union Government to select the High Court and Supreme Court Judges with whom it should hold consultations. Therefore, it is high time that article 124 is amended and a Judicial Commission, consisting of persons, who are able to select persons for appointment as Judges of the Supreme Court and High Courts, is constituted.

Hence this Bill.

NEW DELHI;
January 23, 1932,

B. V. DESAI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of a Judicial Commission, comprising five permanent members, who shall be distinguished jurists, to select persons for appointment as Judges of the Supreme Court and High Courts. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty lakhs is likely to be incurred per annum.

It is also likely to involve non-recurring expenditure of rupees ten lakhs.

BILL No. 9 OF 1982

A Bill to fix the price of sugarcane.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the Sugarcane Price (Fixation) Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Defini-
tions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Corporation” means Sugarcane Price Stabilisation Corporation constituted under section 3.

(b) “sugar industry” means the sugar factories and the khandsari factories.

Constitu-
tion of
Sugar
cane
Price
Stabili-
sation
Corpora-
tion.

3. (1) A Sugarcane Price Stabilisation Corporation shall be constituted by the Central Government consisting of the following, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) a Vice-Chairman to be appointed by the Central Government from amongst the sugarcane growers;

(c) ten members from the sugarcane growers of which at least one shall represent each major sugarcane growing State;

(d) two members from the private sugar factory owners;

(e) one member representing the Government sugar factories;

(f) two members from the shareholders of co-operative sugar factories;

(g) three members representing the khandsari factories of which one shall represent the workers in the khandsari factories;

(h) two members from the gur manufacturers;

(i) one member from the Agricultural Prices Commission;

(j) two members from the workers of sugar factories;

(k) two members from the agricultural workers.

(2) There shall be a Secretary to the Corporation who shall not have the right to participate or vote in its meetings.

(3) The term of office of the Chairman, the Vice-Chairman and the members of the Corporation shall be three years.

4. An Economic Institute, with full autonomy, shall be established by the Central Government consisting of Agricultural Economists, for the purpose of collecting and processing the data regarding the cost, price and income of sugarcane cultivation in the country.

Estab-
lishment
of Eco-
nomic
Institute.

5. (1) The Corporation shall fix the price of sugarcane based on the data supplied by the Economic Institute established under section 4.

Fixation
and
declara-
tion of
price of
sugar-
cane.

(2) The price of sugarcane fixed under sub-section (1) shall be declared by the Corporation before the 1st day of December every year.

(3) The sugarcane price shall be reviewed every year.

6 (1) An appeal to review the price of sugarcane fixed under section 5 may be made by the sugarcane growers, either individually or collectively, or by the State Governments, on their behalf, or by the sugar manufacturers, to the Corporation, within a period of four weeks of the declaration of sugarcane price by the Corporation.

Appeals
to review
the
sugar-
cane
price.

(2) The decision on appeal made under sub-section (1) shall be given by the Corporation within a period of four weeks from the date of filing of such appeal.

7. The Central Government may increase the price of sugarcane fixed by the Corporation, either on its own or on a representation made by sugarcane growers, at any time.

Power
of Gov-
ernment
to incre-
ase the
sugar-
cane
price.

8. (1) The price of sugarcane fixed under sections 5, 6 or 7, as the case may be, shall be binding on sugarcane growers and on the sugar industry.

Prosecu-
tion of
default-
ing Facto-
ries.

(2) If any sugar or khandsari factory fails to give the price of sugarcane so fixed to sugarcane growers, the Corporation shall have the power to prosecute such defaulting factory.

STATEMENT OF OBJECTS AND REASONS

The sugarcane growers are not getting fair price for their sugarcane as there is no proper machinery to fix the price of sugarcane and to implement it. Till now, in the fixation of sugarcane price, neither the agriculturists nor their representatives, are given an opportunity to have a say in the matter. It is necessary that various interests concerning the sugar production are also consulted in the fixation of price of sugarcane.

Hence this Bill.

NEW DELHI;
January 28, 1982.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Sugarcane Price Stabilisation Corporation. Clause 4 provides for the establishment of an Economic Institute. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be incurred.

BILL NO. 11 OF 1982

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1982.

Short
title.

2. In article 368 of the Constitution, for clause (5), the following clause shall be substituted, namely:—

Amend-
ment of
article 368.

“(5) For the removal of doubts, it is hereby declared that the power of Parliament to amend the Constitution conferred by this article does not include any power to make any amendment so as to affect the core or basic structure of the Constitution which shall mean and include:

- (a) democratic form of Government;
- (b) secular character of the Constitution;
- (c) separation of powers between the legislature, the Executive and the Judiciary;
- (d) federal character of the Constitution; and
- (e) dignity and freedom of individual.”

STATEMENT OF OBJECTS AND REASONS

There are sharp differences of opinion in the country on power of Parliament to amend the Constitution. This question is repeatedly raised from various forums and divergent views are expressed. It is, therefore, necessary to settle the scope of amending power of the Constitution under article 368.

It is generally agreed that the basic features of the Constitution, namely secularism, democracy, federalism and the freedom of the individual would always subsist in a democratic State.

The amending power of Parliament derived from article 368 of the Constitution cannot be utilised, as clearly stated in the Supreme Court Judgment in the famous Keshavananda Bharati's case, to destroy or abrogate the basic structure or framework of the Constitution. If this is not so, a political party with the requisite two-third majority in Parliament could so amend the Constitution as to debar any other political party from functioning, establish totalitarianism, destroy the federal and secular character of the Constitution and democratic form of Government and after having effected these purposes make the Constitution unamendable or extremely rigid.

The Bill seeks to settle the dispute about the power of Parliament to amend the Constitution and to avoid the possibility of destruction of democratic form of Government, secular and federal character of the Constitution and dignity any freedom of the individual.

NEW DELHI;
January 28, 1982.

MADHU DANDAVATE,

BILL NO. 15 OF 1982

A Bill to provide for prevention of ragging by senior students of junior students in educational institutions.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Ragging in Educational Institutions Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force at once in the States of Karnataka, Bihar, Madhya Pradesh and the Union territory of Delhi and, in any other State or Union territory on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “educational institution” means a college, school, class, teaching body, tutorial place which is attached or affiliated to a university, *gurukul*, teaching academy or institute;

(b) “junior or juniors” means student, pupil, fellow, lecturer, professor, part-time teacher in the lower division, class, standard or year of the educational institution, who has been ragged by a senior

Short
title,
extent
and
commen-
cement.

Defini-
tions.

irrespective of his age, caste, creed, religion or physical size and strength;

(c) "premises" means the limits of the area in which the educational institution operates and also includes play ground, hostel, gymkhana, residency, guest house, club, mess or any outside public place where more than two students of the same or different educational institutions are together forming a group with the intention of ragging;

(d) "ragging" means an act of inflicting pain, injury, dishonour, insult, disrespect, undignified acts, vulgar behaviour, perversion, indecent action, beating, straining the body, unbearable mental, physical or financial compulsion by senior student or group of seniors on junior students or group of juniors;

(e) "senior or seniors" means student, pupil, fellow, lecturer, professor, part-time teacher, in the higher division, class, standard or year of the educational institution compared to the student who is undergoing ragging irrespective of his age, caste, creed, religion or physical strength and size.

Constitution of a Vigilance Council.

3. The Principal of an educational institution in a State or Union territory, to which this Act extends, shall forthwith constitute a Vigilance Council consisting of:—

(i) the Principal of the educational institution or his nominee;

(ii) a Dean of any university appointed by the Vice-Chancellor of the university;

(iii) two male representatives (elected or nominated) from the recognised students' union, body, council or organisation, as the case may be;

(iv) two female representatives (elected or nominated) from the recognised students' union, body, council or organisation, as the case may be;

(v) One MLA/MLC nominated by the Speaker of the Assembly/Chairman of the Council of the State Legislature;

(vi) District Collector or his nominee;

(vii) Inspector General of Police of the State or his nominee;

(viii) One eminent educational and one social worker nominated by the Government of the State;

(ix) Chief warden of each hostel of that educational institution.

Term of office of the Vigilance Council.

4. The term of office of the Vigilance Council shall be two academic years only.

Meetings and functions of the Vigilance Council.

5. The Vigilance Council shall meet at least once in two months to investigate, review and pass punishments on those found guilty of ragging.

6. The decision of the Vigilance Council shall be executed by the Principal of the educational institution concerned.

Principal
to execute
decision
of
Vigilance
Council.

7. If the Principal of the educational institution refuses or avoids to execute the decision of the Vigilance Council, the Registrar of the university shall execute the decision of the Vigilance Council.

Registrar
also to
execute
decision
of
Vigilance
Council.

8. Only one appeal against the decision of the Vigilance Council shall lie to Vice-Chancellor of the university to which the educational institution is affiliated.

Appeal
against
the
decision
of
Vigilance
Council.

9. The period of limitation for an appeal under section 8 shall be thirty days from the date of receipt of the orders of punishment or verdict, in writing, by the person charged with ragging and in the event of purposeful or wilful avoidance of such notice, the limitation period shall begin from such date when the said verdict is displayed on the main notice board of the educational institution.

Period
of limita-
tion for
appeal.

10. The Vigilance Council shall have power to make rules and regulations for receiving complaints, evidence, the types of punishments and measures to maintain secrecy, safety and security of the complainant.

Power to
make
rules
and
regula-
tions.

STATEMENT OF OBJECTS AND REASONS

The act of "ragging" is not the outcome of our national or any indigenous culture. Originally it was in the British universities where the seniors played horse-play with the juniors to exhibit their superiority and authority. The practice was originally meant to keep discipline and order and superiority of the seniors. In recent years it has degenerated to a very low level of insulting, teasing tormenting, ballyragging, extorting money and even vulgarities on the juniors.

There have been horrifying tales of this borrowed British practice in many of our colleges and even schools. Several complaints to the Principals, Rectors, Deans, Vice-Chancellors and Registrars by juniors or their parents have gone unheeded. Many juniors who defied, objected or resisted ragging had to leave the college, school or hostel in disgust. It has now become a standard of rowdism, bullying and brow-beating the juniors. Instead of creating leadership it has led to gangsterism. Very recently, grave concern was expressed at one student committing suicide instead of withstanding ragging. It is high time that this was stopped in order to keep law, order and discipline in our universities, the *alma mater* of education and for protecting the youth of the coming generation.

Hence this Bill.

VASANT KUMAR PANDIT

NEW DELHI;

January 28, 1982.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Constitution of Vigilance Council by the Principal of every educational institution. Some expenditure will be involved on the meetings, etc. of the Vigilance Council. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that it will involve a recurring expenditure of about rupees ten lakhs per annum.

No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill, gives power to the Vigilance Council to make rules and regulation for carrying out the purposes of the Bill. The delegation of legislative power is of a normal character.

BILL No. 10 OF 1982

A Bill to make military training compulsory for all able-bodied persons.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title,
extent
and
commen-
cement.

1. (1) This Act may be called the Compulsory Military Training Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compul-
sory
Military
training
for all
able-
bodied
persons.

2. Military training for a period of not less than one year, shall be compulsory for all, able-bodied persons who have attained the age of 18 years:

Provided that persons enrolled in the Territorial Army, the Border Security Force, the Central Reserve Police Force, the Central Industrial Security Force, the Indo-Tibetan Border Police or any other para-military force, shall be exempted from the provisions of this section.

Power to
formulate
scheme
and
establi-
ment of
institu-
tions.

3. The Central Government shall formulate a scheme and establish necessary institutions to give effect to the provisions of section 2.

STATEMENT OF OBJECTS AND REASONS

Military training instils a sense of discipline and develops character, mental robustness and physical fitness in the youth. It gives a sense of leadership and makes for better citizenship. It also enables the State to draft the youth as a second line of defence in times of threats to the security of the country and for relief operations during national calamities like floods, cyclones, earth-quakes, famines, etc.

No doubt there is a provision for N.C.C. training in some schools and colleges but the scheme in operation is neither comprehensive nor compulsory for the students.

The country needs a comprehensive scheme under which all able-bodied persons should undergo military training for a specified period, before they take up their respective vocations. The situation in the country also demands such trained personnel for any eventuality of emergency, external and internal.

Hence this Bill.

NEW DELHI;
January 26, 1962.

VASANT KUMAR PANDIT

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for introducing compulsory military training to all able-bodied persons. Clause 3 provides for establishment of several institutions for imparting military training and these institutions have to be provided with necessary equipment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

The recurring expenditure for the scheme may be to the tune of rupees ten crores per annum.

The scheme is also likely to involve a non-recurring expenditure of rupees ten crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for formulating a scheme for imparting compulsory military training to all able-bodied persons. The scheme has to be administered by the Government of India. The delegation of legislative power is of a normal procedural character.

BILL No. 13 OF 1982

A Bill to provide for payment by the Government to the small farmers and agricultural workers of compensation for injury by accident.

WHEREAS it is expedient to provide for payment of compensation by the Government to the small farmers and agricultural workers for injury by accident;

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Small Farmers and Agricultural Workers Security Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “accident” means accident caused by tractor, hallow power crusher or any other agricultural machinery or caused because of falling in the well or falling from the tree, or receiving shock when dealing with electric motors and includes snake bite, attack by any bull or any wild animal or any other animal:

Short
title, ex-
tent and
commen-
cement.

(b) "agricultural operation" means an agricultural or horticultural or sericultural work or rearing sheep, cattle, poultry or the work ancillary thereto or any other work connected with agriculture;

(c) "agricultural worker" means an agricultural worker who is landless and earns, daily wages or wages on annual basis for working in agriculture;

(d) "High Court" means the High Court of any State;

(e) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the working capacity of a small farmer or an agricultural workers at the time of the accident, and where the disablement is of a permanent nature, such disablement as reduces permanently his working capacity which he was capable of having before the accident;

Provided that every injury specified in Part II of Schedule I shall be deemed to result in permanent partial disablement;

(f) "prescribed" means prescribed by the rules made under this Act;

(g) "qualified medical practitioner" means any person registered under any Central or State Act providing for maintenance of a register of medical practitioners or, in any area where no such Act is in force, any person declared by the State Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purposes of this Act;

(h) "small farmer" means a farmer who owns up to 5 acres of wet land or 10 acres of dry land;

(i) "total disablement" means such disablement, whether of temporary or permanent nature, as incapacitates a small farmer or an agricultural worker for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that every injury specified in Part I of Schedule I shall be deemed to result in permanent total disablement.

Government to
pay compensation

3. If personal injury is caused to a small farmer or an agricultural worker by accident arising out of and in the course of agricultural operation, the Government shall be liable to pay to such worker compensation in accordance with the provisions of this Act:

Provided that the Government shall not be so liable—

(a) in respect of any injury which results in the total or partial disablement of the small farmer or an agricultural worker for a period less than six days;

(b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to the small farmer or an agricultural workers under the influence of drinks or drugs at the time of accident.

4. Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

Fixation
of com-
pensa-
tion.

(a) where death results from the injury, such amount as is prescribed in Schedule II;

(b) where permanent total disablement results from the injury, such amount as is prescribed in Schedule II;

(c) in the case of an injury specified in Part II of Schedule I such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury;

(d) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury; and

(e) where more injuries than one are caused by the accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

5. In the case of death, the compensation shall be paid to the legal heir or the dependents of the deceased.

Payment
of com-
pensa-
tion in
case of
death.

6. For the purpose of paying compensation a revolving fund shall be constituted monies into which shall be provided by the Centre and the States in such proportion as may be agreed from year to year.

Fund to
pay com-
pensa-
tion.

7. No claim for compensation shall be entertained by a Commissioner unless a claim is preferred before him within three months of the occurrence of the accident;

Claim
for com-
pensa-
tion.

Provided that the want of or any defect or irregularity in notice shall not be a bar to the entertainment of a claim:

Provided further that the Commissioner may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred in due time if he is satisfied that the failure so to give the notice or prefer the claim as the case may be was due to sufficient cause.

8. Every such claim shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and place and date on which the accident happened.

Form of
the claim.

9. On receipt of the claim, the Commissioner shall enquire into the matter and if he is satisfied that death or injury was caused to the person because of the accident, he shall decide the amount of compensation to be given under the Act and shall record reasons for coming to such decision.

Proof of death due to accident.	10. In case a small farmer or an agricultural worker dies as a result of an accident while he is engaged in agricultural work that shall have to be proved by the legal heir or his dependents by producing a certificate from a qualified medical practitioner.	
Proof of inquiry.	11. In case a small farmer or an agricultural worker gets injury while he is engaged in agricultural operation then he should prove it by producing a certificate from a qualified medical practitioner.	
Bar to jurisdiction of civil courts.	12. No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act is required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.	
Commissioner.	13. (1) The State Government may, by notification in the Official Gazette, appoint any person to be a Commissioner for Small Farmers and Agricultural workers' Compensation for such area as may be specified in the notification. (2) Where more than one Commissioner has been appointed for any area, the State Government may by general or special order, regulate the distribution of areas between them.	
Assistance in inquiry.	14. Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.	
Commissioner to be a public servant.	15. Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code.	45 of 1860.
Powers and procedures of Commissioners.	16. The Commissioner shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for purpose of taking evidence on oath, which such Commissioner is hereby empowered to impose, and of enforcing the attendance of witnesses and compelling the production of documents and material objects and the Commissioner shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXVI of the Code of Criminal Procedure, 1973	5 of 1908. 2 of 1974.
Appeal.	17. An appeal shall lie to the High Court provided the appeal is made within 3 months of the decision given by the Commissioner.	
Power to make rules.	18. (1) The State Government may make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— (a) the manner of sending claim to the Commissioner; (b) the manner of paying compensation.	

SCHEDULE I

(See sections 2 and 4)

PART I

List of injuries deemed to result in permanent total disablement.

S. No.	Description of injury	Percentage of loss of earning capacity.
1	Loss of both hands or amputation at higher sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot.	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential.	100
5	Very severe facial disfigurement.	100
6	Absolute deafness.	100

PART III

*List of injuries deemed to result in permanent partial disablement.**Amputation cases—Upper limbs (either arm).*

1	Amputation through shoulder joint.	90
2	Amputation below shoulder with stump less than 8" from tip of cromion.	80
3	Amputation from 8" from tip of a cromion to less than to 1/2" below tip or acromion.	70
4	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 1/2" below tip of olecranon.	60
5	Loss of thumb.	30
6	Loss of thumb and its metacarpal bone	40
7	Loss of four fingers of one hand.	50
8	Loss of three fingers of one hand.	30
9	Loss of two fingers of one hand.	20
10	Loss of terminal phalange of thumb.	20

Amputation cases—Lower Limbs.

11	Amputation of both feet resulting in end bearing stumps.	90
12	Amputation through both feet proximal to the metatarso-phalangeal joint.	80
13	Loss of all toes of both feet through the metatarso-phalangeal joint.	40
14	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	40
15	Loss of all toes of both feet distal to the proximal inter-phalangeal joint.	20
16	Amputation at hip	90
17	Amputation below hip with stumps not exceeding 5" in length measured from tip of great crenchanter.	80
18	Amputation below hip with stump exceeding 5" in length measured from tip of great tranchanter but not beyond middle thigh.	70
19	Amputation below middle thigh to 3 1/2" below knee.	60
20	Amputation below knee with stump exceeding 3 1/2" but not exceeding 5".	5

S. No.	Description of injury	Percentage of loss of earning capacity
21	Amputation below knee with stump exceeding 5"	40
22	Amputation of one foot resulting in end-bearing.	30
23	Amputation through one foot proximal to the metatarso-phalangeal joint.	30
24	Loss of all toes of one foot through the metatarso-phalangeal joint.	30
<i>Other Injuries.</i>		
25	Loss of one eye, without complications, the other being normal.	30
26	Loss of vision of one eye, without complications or disfigurement of eye-ball, the other being normal.	30
<i>A. Fingers of right or left hand Index finger.</i>		
27	Whole	14
28	Two phalanges.	11
29	One phalanse.	9
30	Guillotine amputation of tip without loss of bone.	5
<i>Middle Finger.</i>		
31	Whole.	12
32	Two phalanges.	9
33	One Phalanse.	7
34	Guillotine amputation of tip without loss of bone.	4
<i>Ring of Little Finger.</i>		
35	Whole.	7
36	Two Phalanges.	6
37	One Phalanse	5
38	Guillotine amputation of tip without loss of bone.	2
<i>B. Toes of right or left foot great toe.</i>		
39	Through metatarso-phalangeal joint.	14
40	Part, with some loss of bone.	3
41	Through metatarso-phalangeal joint.	3
42	Part, with some loss of bone.	1
TWO TOES OF ONE FOOT, EXCLUDING GREAT TOE.]		
43	Through metatarso-phalangeal joint.	5
44	Part, with some loss of bone.	2
THREE TOES OF ONE FOOT, EXCLUDING GREAT TOE.		
45	Through metatarso-phalangeal joint.	6
46	Part, with some loss of bone.	3
FOUR TOES OF ONE FOOT, EXCLUDING GREAT TOE.		
47	Through metatarso-phalangeal joint.	9
48	Part, with some loss of bone.	3

(Note: complete and permanent loss of the use of any limb or member referred to in this schedule shall be deemed to be the equivalent of the loss of that limb or member).

SCHEDULE II

(See section 4)

Compensation payable in certain cases

Extent of land	Amount of compensation for	
	Death	Permanent total disablement
	Rs.	Rs.
1. Less than one acre	10,000	12,000
2. less than two acres	12,000	14,000
3. less than three acres	14,000	16,000
4. less than four acres	16,000	18,000
5. less than five acres	18,000	20,000

STATEMENT OF OBJECTS AND REASONS

The Small farmers and agricultural workers while engaged in agricultural operations are not only receiving injuries but also losing their lives.

Most of the small farmers and agricultural workers are below the poverty lines and when they receive injuries due to accidents and become partially or totally disabled, they will not be able to work and, therefore, they will not be able to maintain themselves or their families thereafter. If they die because of the accident their families get ruined.

There is neither security nor legal protection for them under such circumstances whereas industrial workers are protected against accidents. As these small farmers and agricultural workers are very poor and are not in a position to insure their lives, in the interest of increased agricultural production and social justice, it is essential that they should be protected against and compensated for accidents.

Hence this Bill.

NEW DELHI;
February 3, 1982.

PROF. MADHU DANDAVATE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation by the Government. Clause 6 of the Bill provides for constitution of a compensation fund, monies into which shall be provided for by the Central Government and State Governments. Clause 13 of the Bill provides for appointment of Commissioners. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India to the extent of about rupees five crores annually in respect of Union Territories and by way of grant-in-aid to State Governments.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Central Government is empowered by clause 18 of this Bill to make rules regarding the manner for sending claim to the Commissioner and the manner of paying compensation so as to carry out the provisions of the Bill.

The matter in respect of which such rules may be made are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers is therefore of a normal character.

AVTAR SINGH RIKHY,
Secretary.

